

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor : Civil File No. 11-1234 (ADC)
Plaintiff,

V.

UNION GENERAL DE TRABAJADORES,

Defendant.

STIPULATION OF SETTLEMENT AND ORDER

WHEREAS, Plaintiff, Hilda L. Solis, Secretary of Labor (the "Secretary") brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (the "Act") to set aside the regular election of union officers conducted by Defendant Union General de Trabajadores (the "Union") on January 31, 2010 for the offices of President, Vice President, Secretary-Treasurer, Sub Secretary-Treasurer, Secretary of Organizing, Secretary of Education, Press and Propaganda, Vocal – Health Public Sector (three positions), Vocal – Health Private Sector, Vocal – Non Health Public Sector (three positions), and Vocal – Non Health Private Sector (one position); and

WHEREAS, the parties wish to reach a full and final settlement of this action in accordance with the terms set forth in this Stipulation of Settlement and Order,

IT IS HEREBY STIPULATED by the parties as follows:

1. This Order is issued with the consent of the parties. It does not constitute an adjudication or finding by the Court on the merits of the allegations or claims set forth in the Amended Complaint, which are expressly denied by the Union.

2. The parties in settlement of this action, without the necessity of a trial, hereby stipulate and agree that the Union shall conduct nominations and an election for all offices under the supervision of the Secretary of Labor. Such supervised election is to coincide with the Union's next regularly scheduled triennial election and is to be completed no later than January 31, 2013. Such election shall be conducted in accordance with Title IV of the Act, and, insofar as lawful and practicable, consistent with the Union's Constitution and By-Laws, as promulgated in 2004 (the "Constitution and By-Laws"). The certified winners of the supervised election shall serve a full term as specified in the Union's Constitution and By-Laws.

The parties further clarify that the supervised election shall include the following conditions:

- (a) The Secretary, through the Office of Labor-Management Standards ("OLMS"), will appoint an Election Supervisor.
- (b) The Election Supervisor will conduct a pre-election conference with the Union's leaders, any interested persons, and the Union's Election Committee. The purpose of the pre-election conference will be to alert interested parties about the election process and to inform interested parties of the dates on which the nominations and election and other aspects of the election will be held.
- (c) OLMS must approve the nomination notices and the election notices prior to their distribution.
- (d) The Election Supervisor, in conjunction with the Union's Election Committee, will hold a meeting with candidates running for office on a date before the supervised election to review the procedures that are allowed for campaigning according to the Act and the Union's Constitution.

- (e) An OLMS representative will be present at each polling site on the day of the election. If any issue arises regarding election procedures, the Union's Election Committee will alert the OLMS representative, and the OLMS representative will resolve the issue.
- (f) Immediately following the Election, the Union will tally the results of the Election, under the Election Supervisor's supervision. The Union then will certify the Election pursuant to Article XII of the Union's Constitution and present that certification to the Election Supervisor, who will issue a ballot tally certification of the results.

3. All decisions as to the interpretation of Title IV of the Act which relate to the supervised election are to be determined by the Secretary or her representative. Before the Secretary issues a final decision of the Act, the Union will have an opportunity to be heard by the Secretary. All interpretations and applications of the Constitution and By-Laws of the Union which relate to the supervised election are to be determined by the Secretary or her representative after a good faith discussion with the Union. The Secretary's decision shall be made in accordance with the Act and Articles XI and XII of the Union's Constitution and By-Laws so far as lawful and practicable. The Secretary's decision shall be final, unless and until any such decision is, on application by the Union, set aside by the Court.

4. The Court shall retain jurisdiction of this action and after completion of the election, the Secretary shall certify to the Court the names of the person so elected, that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and consistent with Articles XI and XII of the Union's Constitution and By-Laws. Upon approval of

such certification by the Court, the Court shall enter a judgment declaring that such persons included in that certification have been elected as shown by such certification to serve a three (3) year term of office, and further providing that each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

DATED: January 12, 2012

For Defendant:

BY: Nora Vargas Acosta
NORA VARGAS-ACOSTA

USDC PR No. 201206
First Federal Building, Suite 1004
#1056 Muñoz Rivera Avenue
Río Piedras, Puerto Rico 00927
(787) 751-7485
nvargasacosta@onelinkpr.net

For Plaintiff:

M. PATRICIA SMITH
Solicitor of Labor

PATRICIA M. RODENHAUSEN
Regional Solicitor

Darren Cohen
DARREN COHEN
Attorney

USDC PR Govt. Attorney No. G01014
U.S. Department of Labor
201 Varick Street, Room 983
New York, New York 10014
(646) 264-3650
Cohen.Darren@dol.gov

Dated: January , 2012
Hato Rey, PR

SO ORDERED:

HONORABLE AIDA M. DELGADO-COLÓN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

HILDA L. SOLIS, Secretary of Labor, :
United States Department of Labor : Civil File No. 11-1234 (ADC)
Plaintiff,

v. :
UNION GENERAL DE TRABAJADORES,
Defendant. :

CERTIFICATE OF SERVICE

I, Darren Cohen, hereby certify that on January 12, 2012, I electronically filed a copy of the foregoing Stipulation of Settlement and Order with the Clerk of the United States District Court for the District of Puerto Rico using its CM/ECF system, which would then electronically notify all CM/ECF participants on this case, including Nora Vargas-Acosta (nvargasacosta@onelinkpr.net), attorney for Defendant.

DATED: January 12, 2012
New York, NY

BY: */s/ Darren Cohen*
DARREN COHEN
Attorney

U.S. District Court – District of Puerto Rico
Government Attorney No. G01014

201 Varick Street, Room 983
New York, NY 10014
(646) 264-3684
Cohen.Darren@dol.gov